

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.197 OF 2006

M/s.A.G.Developers ...Petitioners

Versus

M/s.Rao & Associates through

its partners :

(i) Mr.Yashwant Chintaman Sathe

& Ors. ...Respondents

And

The Court Receiver, High Court,

Bombay. ...Proposed Respondent

.....

Mr.P.M.Havnur for Petitioners.

Mr.Kamlakar Tated with Mr.M.A.Sayyed for
Respondent No.1.

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CORAM: A.M.KHANWILKAR, J.

JUNE 29, 2006.

P.C.

1. The grievance of the Petitioners is that during the pendency of the suit between the parties, Court Receiver was appointed. Court

Receiver took over possession of the subject premises from the Petitioners. The dispute in the Suit has now been settled between the Petitioners and the Plaintiffs. In that backdrop, the Suit has been withdrawn against the Petitioners by filing consent terms before the lower Court on 18th June 2005. According to the Petitioners, as the Suit is disposed of as against the Petitioners, it was but necessary that the possession of the premises is returned to the Petitioners by the Court Receiver.

2. It is not in dispute that for such relief the Petitioners moved the Trial Court by way of Notice of Motion Nil of 2006. That Notice of Motion has been rejected on 24th April 2006. If the Petitioners are dissatisfied with that order, it is open for the Petitioners to take up the matter in Appeal, if so advised. It is not possible to entertain that grievance in this Petition in contempt jurisdiction.

3. Petition disposed of with liberty to the Petitioners to pursue such remedy as may be advised. All questions are left open.

A.M.KHANWILKAR, J.